

REMARKS

Applicant respectfully requests reconsideration.

Claims 1, 4-9, 12, 13, 15-20, 22, 25-28, 129, 135-142 and 144-146 were previously pending in this application.

Claims 1, 4-9, 12, 13, 15-20, 22, 25-28, 129, 135-142 and 144-146 are cancelled without prejudice or disclaimer.

New claims 147-166 are added. Support for these claims can be found in the claims as originally filed and in the specification at least on page 26 line 16 through to page 27 line 5 and page 46 lines 5-16.

As a result, claims 147-166 are pending for examination with claims 147, 160 and 166 being independent claims.

No new matter has been added.

Double Patenting Rejections

Claims 1, 5-9, 12, 16-18, 22, 129, 135-137 and 139-142 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 4, 5, 9-11, 13 and 14 of copending Application No. 10/300,247.

Without conceding the Examiner's position and rather in the interest of moving prosecution forward, claims 1, 5-9, 12, 16-18, 22, 129, 135-137 and 139-142 are now cancelled. New claims 147-166 are not obvious in view of claims 1, 4, 5, 9-11, 13 and 14 of copending Application No. 10/300,247.

Reconsideration and withdrawal of this rejection is respectfully requested.

Claims 1, 4-9, 12, 13, 15-20, 22, 25-28, 129, 135-142 and 144-146 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-22 of US 7,488,490 in view of US 6,689,757.

Without conceding the Examiner's position and rather in the interest of moving prosecution forward, claims 1, 4-9, 12, 13, 15-20, 22, 25-28, 129, 135-142 and 144-146 are now cancelled. New claims 147-166 are not obvious in view of claims 1-22 of US 7,488,490 in view of US 6,689,757.

Reconsideration and withdrawal of this rejection is respectfully requested.

Rejection under 35 U.S.C. §103

Claims 1, 4-9, 12, 13, 15-20, 22, 25-28, 129, 135-142 and 144-146 are rejected under 35 U.S.C. §103(a) as being unpatentable over Krieg et al. (US 6,239,116) in view of each of Agrawal et al. (US 6,042,838), Craig (US 6,689,757) and Kincy-Cain et al. (Infection and Immunity, 1996, 64:1437-40).

Without conceding the Examiner's position and rather in the interest of moving prosecution forward, claims 1, 4-9, 12, 13, 15-20, 22, 25-28, 129, 135-142 and 144-146 are now cancelled. New claims 147-166 are drawn to methods that comprise mucosally administering an antigen with a CpG oligonucleotide as a priming dose provided the boost dose of antigen is administered systemically, or alternatively mucosally administering an antigen with a CpG oligonucleotide as a boost dose provided the priming dose of antigen is or has been administered systemically. The combination of references does not teach these methods, and therefore claims 147-166 are not rendered obvious by these references.

Reconsideration and withdrawal of this rejection is respectfully requested.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, the Director is hereby authorized to charge any deficiency or credit any overpayment in the fees filed, asserted to be filed or which should have been filed herewith to our Deposit Account No. 23/2825, under Docket No. C1040.70006US00

Dated: November 23, 2010

Respectfully submitted,

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